

## **REMARKS**

Claims 1-18 are pending in the application. Claims 1, 6, 10, 12, and 13 have been amended. Applicant respectfully requests reconsideration in light of the amendments and the following remarks.

### **CLAIM REJECTIONS UNDER 35 USC §101**

The Office Action rejected claims 13-18 under 35 USC 101 as being directed to non-statutory subject matter. Specifically, the Office Action contends that claims 13-18 are not tangibly embodied because they reference a signal-bearing medium. The Office Action further states that “the specification discloses this signal-bearing medium to be a light wave transmission.” Applicant strongly disagrees with the Examiner’s statement and suggests that the Examiner may have taken an example of signal-bearing media provided in the disclosure out of context; therefore, Applicant submits paragraph [0040] in its entirety:

[0040] Of course, one skilled in the art will appreciate how a variety of alternatives are possible for the individual elements, and their arrangement, described above, while still falling within the scope of the invention. Thus, while it is important to note that the present invention has been described in the context of a fully functioning data processing system, those of ordinary skill in the art will appreciate that the processes of the present invention are capable of being distributed in the form of a computer readable medium of instructions and a variety of forms and that

the present invention applies equally regardless of the particular type of signal bearing media actually used to carry out the distribution. Examples of signal bearing media include recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs, and transmission-type media, such as digital and analog communications links, wired or wireless communications links using transmission forms, such as, for example, radio frequency and light wave transmissions. The signal bearing media may take the form of coded formats that are decoded for actual use in a particular data processing system. Moreover, while the depicted embodiment includes an example in a Java environment, the processes of the present invention may be applied to other programming languages and environments.

Although Applicant believes that the Office Action erred in characterizing signal-bearing media as not patentable, Applicant has amended claim 13 to recite a “program product embodied in a *tangible* computer readable medium.” This format for claiming software-related articles of manufacture has been accepted by the US Patent & Trademark Office in numerous cases such as US Patents 7,228,405 and 7,228,319. By this amendment, the 101 rejection has been overcome and Applicant is facilitating expeditious prosecution of allowable subject matter.

### **CLAIM REJECTIONS UNDER 35 USC §103**

The Office Action rejected claims 1 and 2 under 35 USC 103(a) as being unpatentable over Mann et al. (US Patent 6,654,801) in view of Chu et al. (US Patent 6,718,376).

Claim 1, as amended, includes an element of notifying the queue manager. Neither Mann nor Chu teach this element, therefore claim 1 is not unpatentable over Mann in view of

Chu. See Office Action at page 4, number 5: “Mann and Chu does not teach an application queue associated with the queue manager.”

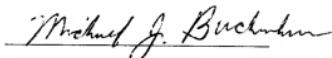
Claim 2 is dependent on claim 1 and is allowable for at least the same reasons that claim 1 is allowable.

The Office Action rejected claims 3 -18 under 35 USC 103(a) as being unpatentable over Mann in view of Chu and further in view of Bhattacharya et al. (US 2002/0064126 A1).

Applicant submits that Bhattacharya is not prior art to applicant's application because Bhattacharya was, at the time the claimed invention was made, assigned to the same assignee as the claimed invention, International Business Machines Corporation. 35 USC 103(c) states: “(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” At the time of the invention Bhattacharya was owned by International Business Machines Corporation and the claimed subject matter was subject to a duty of assignment to International Business Machines Corporation. Therefore, Bhattacharya shall not preclude the patentability of the claimed subject matter of claims 3-18.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,



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